

SENATE BILL 690

Unofficial Copy
L3

2001 Regular Session
1r2082
CF 1r0738

By: **Senator Blount (Department of Legislative Services)**

Introduced and read first time: February 2, 2001

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 13, 2001

CHAPTER_____

1 AN ACT concerning

2 **Municipal Corporations - Charter Amendment Resolutions - Effectiveness**

3 FOR the purpose of repealing provisions of law that make the effectiveness of
4 municipal charter amendment resolutions, municipal annexation resolutions,
5 and other documents related to municipal charters contingent on their being
6 registered with the Department of Legislative Services; making certain
7 conforming changes; and relating generally to municipal corporation charters.

8 BY repealing and reenacting, with amendments,
9 Article 23A - Corporations - Municipal
10 Section 9A to be under the amended subheading "Reposition of Municipal
11 Documents"; 17, 19(p), 19A(j), 28, and 41
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 2000 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 23A - Corporations - Municipal**

17 [Registration] REPOSITION of Municipal Documents

18 9A.

19 (a) Whenever the mayor and city council, by whatever name known, of any
20 municipal corporation in this State (as defined in § 9(a) of this article) causes, or is
21 required to cause any of the following documents to be created, implemented or
22 otherwise established, the respective documents shall be deposited with the

1 Department of Legislative Services, and in the manner, as prescribed by subsection
2 (b) of this section.

3 (1) A code or compilation containing all or a portion of the municipal
4 charter, published or issued in printed, mimeographed or similar duplicated form; as
5 provided for in § 9(e) of this article.

6 (2) A charter amendment or amendments ordained or passed by the
7 legislative body of the municipal corporation, or as adopted by the vote on the
8 question at a public referendum; including (i) the complete text of it, (ii) the date of
9 the referendum election, if any, (iii) the number of votes cast for or against each
10 question containing the charter amendment or amendments, whether in the
11 legislative body or in a referendum, and (iv) the effective date of the charter
12 amendment or amendments; as provided for in § 17(f) of this article.

13 (3) A complete list of the measures which enact, amend, or repeal
14 sections in the municipal charter, identifying each charter section affected by number
15 and title; as provided for in § 17A(a), (b), and (c) of this article.

16 (4) A charter amendment, ordinance, referendum or any other device by
17 which the corporate boundaries of the municipality are enlarged or otherwise
18 changed; including (i) a copy of the complete text of it with a statement of the new
19 boundaries, (ii) the date of the referendum election, if any, (iii) the number of votes
20 cast for or against the annexation, whether in the legislative body or in a referendum,
21 and (iv) the effective date of the annexation; as provided for in § 19(p) of this article.

22 (5) A unified charter providing for the merger of two or more municipal
23 corporations; including (i) the complete text of it, (ii) the date of the referendum
24 election, if any, (iii) the number of votes cast for or against the adoption of the unified
25 charter, whether in the legislative bodies or in a referendum, and (iv) the effective
26 date of the unified charter; as provided for in § 19A(j) of this article.

27 (6) A charter providing for the creation of a new municipal corporation;
28 including (i) the complete text of it, (ii) the date of the referendum election, (iii) the
29 number of votes cast for and against the question of incorporation, under the charter,
30 and (iv) the effective date of the charter; as provided for in § 27(a) of this article.

31 (7) A charter amendment providing for the entire repeal of the charter of
32 a municipal corporation, ordained or passed by the legislative body of the municipal
33 corporation, or as adopted by the vote on the question at a public referendum;
34 including (i) the complete text of it, (ii) the date of the referendum election, if any, (iii)
35 the number of votes cast for or against the charter amendment, whether in the
36 legislative body or in a referendum, and (iv) the effective date of the charter
37 amendment; as provided for in § 41 of this article.

38 (8) In addition to the document and referenda enumerated elsewhere in
39 this subsection, a statement on the results of any referendum on any proposed charter
40 amendment held during the year, and any referendum pending, actually or
41 potentially, but not yet held, at the end of the year; as provided for in § 17A(d) of this
42 article.

1 (b) The mayor or other chief executive officer, by whatever name known, of
2 each municipal corporation shall send, or cause to be sent, separately by mail, bearing
3 a postmark from the United States Postal Service, one copy of each of the documents,
4 as appropriate, enumerated in subsection (a) of this section to the Department of
5 Legislative Services.

6 [(c) Unless the penalty for failure to comply with the provisions of this subtitle
7 is contained elsewhere in this article, a document or other material required to be
8 filed by this article is not effective, and may not be applied or considered as in effect,
9 unless and until it has been registered as provided by this subtitle.]

10 17.

11 (a) In any proposal to amend an existing charter of a municipal corporation,
12 the new matter, if any, to be added to the charter shall be indicated by being
13 underscored or in italics or typed or printed completely in capital letters and all
14 matter to be eliminated from the existing charter, if any, shall be indicated in its
15 proper place by enclosing such matter in double parentheses or in boldface brackets.
16 Where the subject matter consists of an entirely new section or sections the words of
17 such new section or sections shall also be underscored or in italics or typed or printed
18 completely in capital letters or contain some marginal or other notation to that effect.
19 When the purpose of any proposal is to repeal in entirety any section or sections of the
20 existing charter, the matter intended to be repealed need not be written out in full
21 and enclosed in either double parentheses or boldface brackets.

22 (b) The resolution to amend a charter shall identify the source of the existing
23 section or sections, citing the code or other publication or amendment in which
24 appears the most recent text of the section or sections to be amended.

25 (c) Amendments to the charter of any municipal corporation shall be in a
26 consecutively numbered series.

27 (d) The resolution to amend a charter shall provide specifically (and not
28 simply by implication) for the repeal of any section or sections of the existing charter
29 which are inconsistent with the amended section or sections.

30 (e) A proposal to amend a charter, whether initiated by the legislative body of
31 the municipal corporation or by a petition of qualified voters of the municipal
32 corporation, may not be rescinded after its adoption by the legislative body or after its
33 formal submission in a petition, in any manner other than that of another charter
34 amendment.

35 (f) At the time a charter amendment or amendments become effective by
36 reason of having been ordained or passed by the legislative body of the municipal
37 corporation, or at the time of making public proclamation as to the vote on any
38 question containing a proposed charter amendment or amendments which have been
39 adopted, the mayor or other chief executive officer of the municipal corporation shall
40 send the information concerning the charter amendment or amendments to the
41 Department of Legislative Services as provided in § 9A of this article.

1 [(g) The charter amendment or amendments are not effective and shall not be
2 applied or considered as if effective, unless and until it or they have been registered as
3 required in subsection (f) of this section.]

4 19.

5 (p) The chief executive and administrative officer of a municipal corporation
6 which has enlarged its corporate boundaries under the provisions of this section shall
7 promptly [register] SEND THE INFORMATION ABOUT the new boundaries [with] TO
8 the clerk or similar official thereof, [with] TO the clerk of the court in the county or
9 counties in which the municipal corporation is located, [with] TO the Department of
10 Legislative Services as provided in § 9A of this article, and for those municipalities
11 lying within the regional district, [with] TO the Maryland-National Capital Park and
12 Planning Commission. Each such official shall hold the [registration of]
13 INFORMATION ABOUT boundaries on record and shall make it available for public
14 inspection during all normal business hours.

15 19A.

16 (j) Within 60 days after the unified charter is adopted by the legislative
17 bodies of the unifying municipal corporations or by a referendum election, the
18 legislative bodies of the unifying municipal corporations shall jointly send the
19 information concerning the charter adopted by the unified municipal corporation to
20 the Department of Legislative Services, as provided in [§ 9A] § 9A(B) of this article.

21 28.

22 (a) At the time of making public proclamation as to the vote on the question of
23 incorporation under the proposed charter, the county governing body shall send the
24 information concerning the charter adopted by the municipal corporation to the
25 Department of Legislative Services, as provided in [§ 9A] § 9A(B) of this article for
26 municipal officials.

27 (b) A proposal to incorporate a municipal corporation and to adopt a charter
28 may not be rescinded after its formal submission, in any manner other than that of a
29 formal charter repeal as provided in the subheading "Repeal of Charter" in this
30 subtitle.

31 [(c) The charter is not effective and shall not be applied or considered as if
32 effective unless and until it has been registered as required in this section.]

33 [(d)] (C) The charter is included in the requirements of § 17A of this subtitle,
34 including its printing and indexing in the laws enacted by the General Assembly.

35 [(e)] (D) The exact text of the charter of the municipal corporation, adopted
36 under the provisions of this subtitle and as amended from time to time, shall
37 thereafter be included in any edition or codification of the charter of the municipal
38 corporation.

1 41.

2 An entire repeal of the charter of a municipal corporation, and the termination
3 of the existence of the municipal corporation, may be accomplished as generally
4 provided above in the subheading "Charter Amendments". The resolution of the
5 legislative body of the municipal corporation or the petition of 20 percent or more of
6 the qualified voters need not contain the text of the charter which it is proposed to
7 repeal, but may simply state the fact of the proposed repeal. The posting and
8 publication of the proposed repeal also may simply state that fact, as may the
9 [registration of] SUBMISSION OF INFORMATION ABOUT a favorable vote thereon with
10 the Department of Legislative Services, as provided in [§ 9A] § 9A(B) of this article.
11 From and after the time that the charter stands repealed it no longer may be included
12 in any subsequent edition or printing of the code of public local laws of the county or
13 State.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 June 1, 2001.